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**File Code:** 2600

**Date:** November 19, 2020

## Decision Memo

### Clover Meadows Aquatic Habitat Improvement Project

USDA Forest Service  
Dillon Ranger District, White River National Forest  
Summit County, Colorado  
Section 29, T3S, R78W, 6th PM

#### Decision

I have decided to implement the Clover Meadows Aquatic Habitat Improvement Project on a 0.5-mile portion of the Blue River located approximately 13 miles north of Silverthorne, Colorado in Section 29, Township 3South, Range 78West, 6th Principal Meridian.

Project activities will consist of reshaping the bankfull channel by relocating alluvial material from within channel riffles to areas that will support the creation of holding pools. Quantifiable improvements associated with the re-distribution of excavated material/cobble point bar enhancement, include the defining and/or re-definition of the channel bottom across the project reach. The projected channel bottom will produce an increase in deep water holding habitats and additional protection for resident and migratory fishes. This habitat improvement will support fish retention, recruitment and increase the overall function and service of this reach of the Blue River.

With only two areas of ingress/egress (both from private land), operations will be conducted using a tracked excavator and follow project plans as described in Sheet SM-P1 of Appendix. All ground disturbing activities will occur within the bankfull level of the river. All materials will be staged and transported in upland environments and no wetlands will be impacted during project activities. Operations will be dependent upon low flow conditions. Additionally, due to fall spawning by wild brown trout and kokanee within the Blue River, all instream operations will be completed no later than October 1.

Colorado Parks and Wildlife has determined that due to supplemental stocking there are high densities of fishes within the Middle Blue River which has led to an extensive gill lice infestation. Supplemental or artificial stocking of fishes is discouraged on private lands and must be authorized on National Forest Systems Lands. Similarly, artificial feeding of wild fishes is discouraged and prohibited on National Forest System Lands (see comment section below).



This decision will be implemented through issuance of a special use authorization that meets the requirements of the decision and Forest Service regulations. The project proponent will be responsible for obtaining a Regional General Permit 12 – Aquatic Habitat Improvement for Stream Channels in Colorado from the U.S. Army Corps of Engineers (Corps).

## Background

The Blue River watershed encompasses approximately 437,217 acres. The watershed has a long history of water use, from mining and agriculture to municipal water supply. Completed in 1962, Dillon Reservoir has a capacity of approximately 250,000 acre-feet. Due to water depletions and reservoir operations, the natural flow regime of the middle third of the Blue River has changed from its pre-impoundment conditions. Because the river's natural geomorphology formed under different conditions than what currently exist, the aquatic habitat within this stretch of river has also changed.

## Reasons for Categorical Exclusion

I have concluded that this action can be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within an approved category of exclusion under 36 CFR 220.6(e): (7) "Modification or maintenance of stream or lake aquatic habitat improvement structures using native materials or normal practices" and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. The following resource conditions in Table 1 were considered as part of this analysis:

<b>Table 1. Evaluation of Extraordinary Circumstances for the Proposal (36 CFR 220.6(a))</b>				
<b>Resource Conditions</b> (36 CFR 220.6(b)(1))	<b>Resource Condition Present?<sup>1</sup></b>		<b>Evaluation<sup>1</sup></b> (36 CFR 220.6(b)(2))	<b>References</b> Required for CE categories under 36 CFR 220.6(e).
	Yes	No		
Federally listed threatened or endangered terrestrial wildlife species or their designated critical habitat, species proposed for Federal listing or proposed critical habitat or FS sensitive species. 36 CFR 220.6(b)(1)(i)		X	No Federally listed threatened or endangered, proposed or sensitive wildlife species or critical habitats will be affected by this proposal.	Consulted with district specialist
Federally listed threatened or endangered aquatic species or their designated critical habitat, species proposed for Federal listing or proposed critical habitat or FS sensitive species. 36 CFR 220.6(b)(1)(i)		X	No Federally listed threatened or endangered, proposed or sensitive fish, amphibians or macroinvertebrates or their critical habitats will be affected by this proposal.	Consulted with district specialist
Federally listed threatened or endangered plant species or their designated critical habitat, species		X	No Federally listed threatened or endangered, proposed or sensitive plant species or critical habitats will be affected	Consulted with Forest Ecologist

<b>Table 1. Evaluation of Extraordinary Circumstances for the Proposal (36 CFR 220.6(a))</b>				
<b>Resource Conditions</b> (36 CFR 220.6(b)(1))	<b>Resource Condition Present?<sup>1</sup></b>		<b>Evaluation<sup>1</sup></b> (36 CFR 220.6(b)(2))	<b>References</b> Required for CE categories
proposed for Federal listing or proposed critical habitat or FS sensitive species. 36 CFR 220.6(b)(1)( i)			by this proposal.	
Floodplains, wetlands or municipal watersheds. 36 CFR 220.6(b)(1)( ii)		X	No wetlands or municipal watersheds will be affected	Site visit and Map verification
Congressionally designated areas <sup>2</sup> such as wilderness, wilderness study areas, or national recreation areas. 36 CFR 220.6(b)(1)( iii)		X	No Congressionally designated areas will be affected directly or indirectly by this action.	Map verification
Colorado Roadless Areas <sup>3</sup> or potential wilderness areas. 36 CFR 220.6(b)(1)( iv), 36 CFR Part 294		X	No Colorado Roadless Areas <sup>3</sup> or potential wilderness areas. Other locally identified unique characteristics: N/A	Map verification
Research natural areas <sup>2</sup> . 36 CFR 220.6(b)(1) (v)		X	RNAs will not be affected by this action.	Map verification
American Indians and Alaska Native religious or cultural sites. 36 CFR 220.6(b)(1) (vi)		X	No traditional cultural properties, religious or cultural sites have been identified that would be affected by implementation of this action.	Consulted with Forest Heritage Program
Archaeological sites, or historic properties or areas. 36 CFR 220.6(b) (b)(1)( (vii)		X	No archeological sites or sites eligible for National Historic Register listing will be affected directly or indirectly by this action.	Consulted with Forest Heritage Program
<sup>1</sup> The mere presence of one or more of these resource conditions does not preclude the use of a categorical exclusion. It is the existence of a cause effect relationship between a proposed action and the potential effect on these resource conditions, and if such a relationship exists, the degree of the potential effect of a proposed action these resource conditions that determines whether extraordinary circumstances exist. <sup>2</sup> If present, verify authorities. Additional requirements may exist. <sup>3</sup> Roadless consultation with RO is required except for limited circumstances.				

## Public Involvement

This project was listed in the Schedule of Proposed Actions on September 16, 2020. A scoping letter inviting comments was sent out to interested parties on September 18, 2020, including local Colorado Parks and Wildlife staff, Summit Water Quality Committee, The Blue River Watershed Group, The Town of Silverthorne, Trout Unlimited and a few other interested individuals.

One letter of response was submitted by Trout Unlimited on October 16, 2020. Trout Unlimited is in support of the project and feel that the Clover Meadows project will serve as a pilot project in evaluating possible future habitat improvements on the Blue River. Additionally, they ask that any monitoring data be made available to the Blue River Integrated Watershed Management Plan team.

As part of the submission process for the application of a U.S. Army Corps of Engineers (Corps) Regional General Permit 12, Colorado Parks and Wildlife (CPW) submitted comments on the Clover Meadows project to the Corps. A majority of the comments from CPW were design specific and have been addressed by the proponent's representative, FreeStone Aquatics. Colorado Parks and Wildlife also requested that the proponent conclude work by October 1 to avoid disruption of fall spawning of migratory salmonids. In conjunction with efforts to support a wild reproducing population of fishes in the Blue River, CPW also requested that the proponent not artificially stock nor feed fishes in the Blue River.

### **Findings Required by Other Laws**

This decision is consistent with the White River National Forest Land and Resource Management Plan (Forest Plan) as required by the National Forest Management Act. The project was designed to conform to the Forest Plan. Standards and guidelines will be applied as appropriate to meet Forest Plan goals, objectives, and desired conditions.

This decision is compliant with the Endangered Species Act. After reviewing the projects both the District Wildlife Biologist and Fisheries Biologist determined that there would be a No Effect on terrestrial and aquatics to Federally listed Threatened, Endangered or Proposed Species or their critical habitat.

This decision is compliant with the National Historic Preservation Act. The White River National Forest Heritage Program Manager surveyed and examined the project and “determined the project has no potential to affect historic properties,” and “therefore Section 106 compliance is completed.”

### **Administrative Review or Appeal Opportunities**

The approved project activities within this decision are not subject to appeal in accordance with the Consolidated Appropriations Act of 2014, Pub. L. No. 113-76, 128 Stat. 5 (2014). Section 431 of the Act directs that the 1993 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) ... “shall not apply to any project or activity implementing a land and resource management plan...that is categorically excluded...under the National Environmental Policy Act (NEPA).”

This decision may be appealed under 36 CFR 251.80 Subpart C for those who hold or, in certain instances, those who apply for written authorizations to occupy and use National Forest System lands relevant to this decision.

### **Implementation Date**

Project operations are planned to begin in 2021 but are dependent upon low flow conditions within the Blue River. The project will be completed prior to October 1, 2022 and in stream operations will not occur after October 1<sup>st</sup>, annually.

### **Contact Person**

Project information can be found on the project web page:  
<https://www.fs.usda.gov/project/?project=58731>

For additional information concerning this decision, contact:

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Sincerely,

WILLIAM JACKSON  
District Ranger